

**PUBLIC MEETING
MINUTES**

The Public Meeting of the Mayor and Council was held in Council Chambers and called to order at 7:36PM. Adequate notification was published in the official newspaper of the Borough of Montvale. Master Sergeant Dieter Koelling led the Pledge of Allegiance to the Flag, and roll call was taken.

OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was provided to The Bergen Record informing the public of the time and place according to the provisions of the Open Public Meeting Law (Chapter 231, P.L. 1975).

Also Present: Mayor Mike Ghassali; Borough Attorney, Dave Lafferty; Borough Engineer, Nick Chelius; Borough Administrator, Joe Voytus; and Municipal Clerk, Fran Scordo

ROLL CALL:

Councilmember Arendacs

Councilmember Lane

Council President Cudequest

Councilmember Roche

Councilmember Koelling

Councilmember Russo-Vogelsang

ORDINANCES:

PUBLIC HEARING OF ORDINANCE NO. 2026-1592 AN ORDINANCE OF THE BOROUGH OF MONTVALE CREATING A NEW CHAPTER 365 OF THE BOROUGH CODE ENTITLED, "TOWING AND STORAGE"

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1. The Code of the Borough of Montvale is hereby amended and supplemented by adding a new Chapter 365 entitled "Towing and Storage," as follows:

Chapter 365**Towing and Storage**

- §365-1** Definitions.
- §365-2** Officials towers appointed.
- §365-3** Services to be provided.
- §365-4** Application process.
- §365-5** Issuance of license.
- §365-6** Municipal standards of performance.
- §365-7** Official towers list.
- §365-8** Removal of abandoned vehicles.
- §365-9** Hold harmless agreement.
- §365-10** Insurance.
- §365-11** Towing and storage fee schedule.
- §365-12** Miscellaneous provisions.
- §365-13** Enforcement agency; suspension or revocation of license.
- §365-14** Violations and penalties.

§365-1 Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

AUTOMOBILE

A motor vehicle of a private passenger or station-wagon-type that is owned or leased and is neither used as a public or livery conveyance for passengers nor rented to others with a driver, and a motor vehicle with a pickup body, or delivery sedan, a van, or a panel truck or a camper-type vehicle used for recreational purposes owned by an individual or by a person and spouse who are residents of the same household, not customarily used in the occupation, profession or business of the owner(s).

BASIC TOWING SERVICE

The removal and transportation of an automobile from a highway, street or other public or private road, or a parking area, or from a storage facility, and other services normally incidental thereto, but does not include recovery of an automobile from a position beyond the right-of-way or berm or from being impaled upon any other object within the right-of-way or berm.

CALENDAR YEAR

The period of time between January 1 and December 31 of any given year.

COMMERCIAL VEHICLE

Any vehicle other than that as defined as an automobile pursuant to the definition contained in this section.

DECOUPLING FEE

A charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a tow truck, but prior to the vehicle actually having been moved or removed from the property.

GVWR

Gross vehicle weight rating.

HEAVY-DUTY TOW VEHICLE

A specifically designed vehicle designed to tow, transport or otherwise move motor vehicles, with a gross vehicle weight rating of at least 40,000 pounds GVW and equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or underreach equipment, as hereinafter defined.

HEAVY-DUTY VEHICLE

Vehicles with over sixteen-thousand-one-pound gross vehicle weight rating.

INSIDE BUILDING

A vehicle storage facility that is completely indoors having one or more openings in the walls, for storage and removal of vehicles, and that is secured by a locking device on each opening.

LANDOLL TRAILER

Detachable trailer capable of hauling vehicles, machinery and/or equipment, commonly referred to as a "lowboy."

LIGHT-DUTY VEHICLE

An automobile, as defined by N.J.S.A. 39:6A-2a, not exceeding a ten-thousand-pound gross vehicle weight rating.

MAJOR ACCIDENT CLEANING

Motor vehicle accidents involving a vehicle rollover, two or more vehicles leaking fluid, debris of a size or character that requires more than one person to remove, and/or fluid spills that require application and removal of more than one bag of any drying agent.

MEDIUM-DUTY VEHICLE

Vehicles with a ten-thousand-one-pound to sixteen-thousand-pound gross vehicle weight rating.

MINOR ACCIDENT CLEANING

Removal of debris in or around the roadway due to a motor vehicle accident that is limited to removal of broken glass, taillight/head lenses, and/or fluid spills that require application and removal of one bag or less of any drying agent.

MOTOR VEHICLE ACCIDENT

An occurrence in which any vehicle, commercial vehicle or passenger vehicle comes in contact with any other object for which any vehicle, commercial vehicle or passenger vehicle must be towed or removed for placement in a storage facility. This includes all situations which are accidental as to the owner or operator of the motor vehicle even if they were caused by the intentional acts of a perpetrator where the perpetrator was not the owner or operator of the motor vehicle.

OFFICIAL TOWER

A person or company licensed by the Borough of Montvale to tow and/or store vehicles.

OUTSIDE SECURED

An automobile storage facility that is not indoors and is secured by a fence, wall or other man-made barrier that is at least six feet high. The facility is to be lighted at night.

OUTSIDE UNSECURED

An automobile storage facility that is not indoors and is not secured by a fence, wall or other man-made barrier and all other storage facilities not defined above as inside building or outside secured.

SPECIAL RECOVERY SERVICES

Constitutes any action that is not normally associated with roadside towing, e.g., winching, righting overturned vehicles, locked in park, no keys or other services required when a vehicle will not roll on its own wheels.

STORAGE CHARGES FOR TWENTY-FOUR-HOUR PERIOD

The maximum allowable amount to be charged by a storage facility for a twenty-four-hour period or fraction thereof.

TOW VEHICLE

Only those vehicles equipped with a boom or booms, winches, slings, tilt beds, wheel lifts or under-reach equipment specifically designed by its manufacturer for the removal or transport of motor vehicles.

TOW VEHICLE'S BASE OF SERVICE

The towing operator's principal place of business where the tow vehicle is stationed when not in use.

§365-2 Officials towers appointed.

- A. The governing body of the Borough of Montvale, or its designated agent or officer, may license persons or companies meeting the criteria set forth in this chapter and engaged in the business of or offering the services of motor vehicle towing, wrecking or storage (service), whereby damaged, (or) disabled and/or impounded motor vehicles are towed or otherwise removed from the place where they are damaged, (or) disabled, and/or impounded by use of a tow vehicle, as defined herein. Such person(s) or company shall be known as an "official tower."
- B. Official towers shall be identified by means of a license, which shall be issued by the Borough as hereinafter provided. Each licensed official tower shall also have issued by the Borough a decal or insignia for each vehicle used in the towing operation by the official tower and which shall be placed on each vehicle in a prominent portion of such vehicle as required by the Chief of Police or his designee. No vehicle or motorized equipment shall engage in towing vehicles unless such insignia or decal is affixed as set forth and the name of the official tower permanently affixed to the vehicle. ("Permanently affixed" herein shall mean attached to or placed directly on the vehicle in such a manner as such cannot be removed or repositioned.)
- C. The licensing set forth in this chapter shall be construed pursuant to N.J.S.A. 40:38-2.49 and 49 U.S.C. § 14501 and is not intended to regulate towers beyond that which is permitted by state and federal law.

§365-3 Services to be provided.

- A. The official tower shall furnish adequate and proper towing, wrecking, storage and emergency repair service to damaged or disabled motor vehicles within the limits of the Borough when requested to do so by the Chief of Police or his designee. The official tower shall be available to render service 24 hours per day, seven days per week.
- B. In the event that a disabled vehicle requires special towing equipment (and) the official tower does not possess such equipment, then the Chief of Police or his designee shall select the next official tower in the rotation list who does possess the necessary special equipment to tow such disabled, (or) damaged or impounded vehicle. No official tower shall subcontract or assign any work that is to be performed by the official tower under the provisions of this chapter.

§365-4 Application process.

- A. Application for an official tower license shall be made to the Mayor and Council of the Borough of Montvale, upon a form provided by the Borough Clerk, and shall contain all of the following information:
 - 1. The name, business address(s), telephone number and federal tax identification number (where applicable). When the official tower is owned and operated by an individual, the name, social security number, residential and business addresses and telephone number(s) of such individual shall be provided. When the official tower is a corporation or partnership, the application shall contain the names, residences, telephone numbers, dates of birth and social security numbers of all persons owning any interest in the official tower.

2. In the event that the official tower is conducting business operating under a trade or business name, the applicant shall submit a certificate of such name as proof that such name has been appropriately filed with the County Clerk's Office of Bergen County and/or with the Secretary of State of the State of New Jersey.
3. Any such information as may be required by the Mayor and Council (or designee) concerning the personnel, vehicles, equipment and storage facilities of such applicant, as hereinafter provided, showing that the applicant meets the minimum standards of performance.
4. A certificate or certificates of insurance evidencing adequate insurance coverage as hereinafter provided.
5. A fee of **\$1500** to cover the administrative expenses incurred by the Borough in processing the application and an additional fee of **\$100** for each vehicle for which an identifying decal is issued.
6. The names and addresses of two business references not in the employ of the Borough who have known the applicant for at least two years and who can attest to the applicant's experience and performance in the towing, wrecking and storage business.
 - a. All towing vehicles must be listed on the application, including the make and model number, year of vehicle and vehicle identification number (VIN) and any and all other information that the Mayor and Council may deem necessary.
 - b. No vehicle may be listed on more than one application nor can there be a transfer of vehicles between towers.
7. A complete list, including dates of service, of all other municipalities, state agencies and/or governmental entities that the applicant is, or has been, an official tower of or held a towing permit from. No person applying individually shall be eligible for approval or appointment as an official tower of the Borough of Montvale unless that person shall have been an official municipal tower with a minimum of five years' experience in municipal towing in any municipality of the State of New Jersey, including a minimum of two years' experience in municipal towing in any municipality in the County of Bergen, State of New Jersey. No corporation or partnership shall be eligible for approval or appointment as an official tower of the Borough of Montvale unless that business entity shall have been an official municipal tower with a minimum of five years' experience in municipal towing in any municipality of the State of New Jersey, including a minimum of two years' experience in municipal towing in any municipality in the County of Bergen, State of New Jersey.
8. A complete list of all actions taken against the applicant by a governmental entity for the applicant's alleged violation of any towing ordinance or regulation while towing as a licensed or permitted tower for that governmental entity. If the applicant's towing license or permit has been revoked, suspended or denied, the applicant shall list each time, what governmental entity was involved and a brief description of the event(s) that led up to the revocation, suspension and/or denial of a towing license or permit.

- B. No license shall be granted to a tower unless and until the tower seeking the license has appointed the Borough Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
- C. Suspension or revocation of a license, and/or the prior denial of an application affecting the applicant, from this municipality or any county or state agency granting such license may be cause for denial of a license under this chapter.
- D. The applicant shall also cause each of its drivers to have a background check performed by the Montvale Police Department or at a state-approved facility prior to that driver performing any towing services in the Borough. Copies of the results of the background check shall be made available to the Borough Clerk immediately upon receipt.
- E. Upon receipt of a completed application, the Borough Clerk shall forward a copy to the Chief of Police or his designee for his review and recommendation. The review by the Chief of Police or his designee shall consist of the following: an inspection of the personnel, vehicles, equipment and storage areas proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with applicable laws and regulations and the standards of performance required by this chapter.
- F. An applicant may be included on the official towers list by an official action of the Mayor and Council, by resolution adopted at a regular public meeting, when, from a consideration of the application and from such other information as may be obtained, the Mayor and Council find that all of the following circumstances exist:
 - 1. The applicant has not knowingly and with intent to deceive made any false, misleading or fraudulent statements of material fact in the application or in any other document required pursuant to this chapter.
 - 2. The applicant has met the standards in this chapter and has furnished the required hold harmless agreement and certificate(s) of insurance.
 - 3. The application has been reviewed and the Chief of Police or his designee has submitted a favorable report.
 - 4. Neither the applicant nor the applicant's personnel have been convicted of a criminal charge or have had their driver's license suspended within the past year.
- G. The Chief of Police or his designee shall conduct his or her review and render a report to the Mayor and Council recommending either the approval or denial of the application within 28 days of receipt of the application from the Borough Clerk. The Mayor and Council shall take action with regard to the report of the Chief of Police within 30 days or at the next public meeting of the Mayor and Council, whichever is later. The applicant or its representative shall be given notice of the date on which the Mayor and Council will consider the application and shall be permitted to appear and be heard at that time.
- H. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Mayor and Council.

§365-5 Issuance of license.

- A. Upon approval of the application as herein provided, the Borough Clerk shall issue for the applicant an official tower's license for each tow vehicle or flatbed vehicle to be utilized in providing services pursuant to this chapter by submitting such to the Chief of Police or designee for issuance to the official tower(s).
- B. Said licenses and identifying decal, which shall be in a form so approved by the Mayor and Council, shall be affixed and displayed on the tow vehicle or flatbed vehicle at all times.
- C. The licenses shall be valid for a maximum three-year period as set forth in this chapter and expire December 31, no later than three years after issuance of the license. For example, if a license is issued on April 30, 2026, a license would be valid through December 31, 2028.
- D. The license shall be nontransferable, and shall be subject to revocation by the Borough for any of the following reasons:
 - 1. If it is subsequently determined that the applicant knowingly and with intent to deceive made false, misleading or fraudulent statements of material fact in the application or in any other documents required pursuant to this chapter.
 - 2. Committing a violation of any federal or state law or municipal ordinance or any regulation relating to the operation of a motor vehicle or the provision of towing services.
 - 3. Committing any violation of any rule or regulation promulgated by the New Jersey Department of Insurance.
 - 4. Committing any violation of any of the provisions of the New Jersey Predatory Towing Prevention Act, Chapter 39, P.L. 2009, or N.J.A.C. 13:45A-31 (Private property and Non-consensual towing rules).
 - 5. Unsatisfactory service provided pursuant to this chapter.
 - 6. Failure to annually certify compliance with the requirements of this chapter.
- E. Upon the expiration of an official tower's license, the applicant, prior to performing any service thereafter, shall re-file completely for such official tower's license, setting forth all the information required in the form provided by the Borough Clerk and complying with the provisions of this chapter.

§365-6 Municipal standards of performance.

To qualify for inclusion on the list of official towers, applicants must meet the following minimum standards:

- A. Minimum vehicle requirements.
 - 1. Every official tower shall maintain and have available under its exclusive control to render services required by this chapter at least the following vehicles and equipment:

- a. Two (2) heavy duty wreckers (minimum 40,000 GVWR)
 - b. One (1) Landoll or Lowboy (min 40') with Tractor transport
 - c. One (1) Medium Duty Wrecker (minimum 25,000 GVWR)
 - d. Three (3) Flatbed Carriers
 - e. One (1) Light Duty Wrecker
 - f. One (1) Rotator
2. Registration documents shall be shown to the Borough certifying registration is the same or better than the gross vehicle weight (GVWR) of the vehicle, as plated on the vehicle.
3. Vehicle classes.
 - a. Heavy-duty tow vehicles of 40,000 pounds gross vehicle weight or more must be equipped with a boom or winch assembly mounted on the chassis, a tow sling or tow bar and a wheel lift assembly or underreach. The winch assembly must have 100 feet of at least five-eighths-inch steel cable attached to a motor-driven winch.
 - b. Flatbed vehicles must be equipped with a winch or hydraulically operated bed which slides or tilts to accommodate the transporting of vehicles.
- B. Each applicant shall submit, along with its application, proof of ownership or lease of the vehicles, which will be utilized to provide services pursuant to this chapter. The provisions of subsection 4A(6) of this chapter shall apply.
- C. Minimum equipment and reporting requirements.
 1. Every tow vehicle or flatbed vehicle shall have two-way radio or cellular phone capability with a dispatching center on a twenty-four-hour basis.
 2. Every tow vehicle or flatbed vehicle shall be equipped with the following:
 - a. At least one amber rotating beacon or strobe light mounted on the highest practical location on the vehicles, visible from 360° when in use and visible at a minimum distance of 500 feet during daylight hours. An amber light permit, as required by the state, must be filed in the office of the Chief of Police and Borough Clerk.
 - b. Safety tow lights or magnetic tow lights for towing vehicles at night, amber or red colored.
 - c. Extra chains and cable for pulling or securing a towed vehicle.

- d. At least one heavy-duty broom, a shovel, a crowbar or prybar, a set of jumper cables, a flashlight, one two-pound or larger fire extinguisher of dry chemical type, one dozen flares or similar warning devices for placement at the scene of an accident or behind a disabled vehicle, at least 40 pounds of dry sand or a drying compound for gasoline and oil spilled on the roadway and containers for removal thereof and a sufficient quantity and types of tools to enable the tow vehicle operator to perform proper and adequate emergency repair services for the tow.
 3. Every tow vehicle or flatbed vehicle shall comply with any and all state, federal and local laws, regulations and ordinances pertaining to safety, lighting and towing equipment requirements and shall be subject to inspection by the Chief of Police or his designee at any time. Where applicable, all permits required by other agencies than the Borough shall be provided to the Borough upon request of the Borough.
 4. Every tow vehicle or flatbed vehicle shall display the official tower's decal and shall have the name of the official tower, by a permanently affixed or painted sign, prominently displayed on the vehicle in such manner so as to conform to the provisions of N.J.S.A. 39:4-46. Such demarcations shall be placed on the outside door panels of the vehicle. The sign shall be at least three inches in height and diameter, be visible to the naked eye and the names must be the same on both panels.
 5. Within five calendar days of the expiration of each rotation period, the official tower shall submit to the Borough Clerk a copy of all of the invoices for services rendered to any owner or operator of a damaged or disabled vehicle on a form of invoice provided by the Borough. In the absence of a Borough form, the official tower will submit the bills which state: the name and address of the person towed; the make and model of the vehicle towed; plate number; and the in date of the tow and the out date of the tow. Only fees applicable in this chapter shall appear on said invoice, and there shall be only one invoice per vehicle towed.
- D. Minimum personnel requirements. Official towers shall have available, at all times, a minimum of two drivers to provide the services required by this chapter. All drivers employed by official towers to provide the services required by this chapter shall meet the following requirements and be subject to the following regulations. They shall:
1. Be competent and able to provide minimum road services for disabled vehicles.
 2. All drivers operating a vehicle that requires a CDL must have a commercial driver's license (CDL) by the State of New Jersey and/or federal regulations are required to furnish such license for the purpose of this chapter.
 3. Obey all traffic laws and regulations.
 4. Not have been convicted of a crime within the past year.
- E. Minimum storage requirements.
1. Every official tower shall maintain an inside building and/or outside secured storage area meeting the following requirements:

- a. All official towers must have sufficient storage area on their own premises, or premises that they have the legal right to use for such storage area, to store towed vehicles at the licensed site. This area must be over and above the requirement that is in effect for requirement of parking for that site. No vertical stacking of vehicles is permitted. Each tow vehicle must be stored at the official tower's licensed site(s). A driver must be on call at the licensed site(s) to respond to a call for towing during the tower's rotation. Official towers located within the Borough cannot store vehicles on the thoroughfares of the Borough, whether under the auspices of the Borough, County of Bergen or State of New Jersey without Borough approval. Storage of vehicles on the thoroughfares of other municipalities wherein Borough towers are located is subject to the requirements of those municipalities.
- b. The location of the storage area(s) shall be located within the State of New Jersey and within five miles driving distance from the border of the Borough of Montvale in accordance with the official map on file with the Borough Clerk. Licensed towers can utilize any of their sites within the five miles driving distance from the border of Montvale.
- c. All outdoor storage areas shall be fenced with an acceptable screened material six feet in height. The fenced area shall be no less than 5,000 square feet in area. The storage area shall have a suitable gate and be installed with a locking device or a similar on-site security measure. The facility is to be lighted at night. Vehicles may also be stored indoors at licensed sites at no additional charge.
- d. A certificate of occupancy must be furnished with the application showing that the licensed site(s) are legally zoned for such use or are subject to land use approvals permitting such use.
- e. The storage facility shall be available from at least 8:00 a.m. until 6:00 p.m. Monday through Friday and from at least 8:00 a.m. to 1:00 p.m. on Saturday. The applicant shall prominently display the hours during which the facility will be open on weekends. On the application for a towing license, the applicant shall list all business hours required pursuant to the subsection for the calendar year of the license in question, which shall not be changed during the calendar year.
- f. The official tower may charge any additional fee or other charge for releasing vehicles to their owners after normal business hours or on weekends or for moving a vehicle from one location to another in the storage area. After-hours release by appointment when tower is available.
- g. The applicant shall, with its application, submit proof of ownership or lease of the storage area.
- h. The official tower shall be responsible for ensuring the proper and safe storage of all vehicles towed pursuant to this chapter. The official tower shall be liable for any damage incurred by such vehicles while in transit to, or while stored in, the storage areas.

2. To ensure the timely release of a vehicle, the tower shall release a vehicle to the owner/occupier of the vehicle no later than one hour from the vehicle's arrival at the tower's facility or within one hour of being contacted by the owner/occupier of the vehicle that he/she wishes to take possession of said vehicle during regular business hours.
 3. Every official tower shall maintain a yard or garage from which the tower's vehicles will be dispatched located within five miles driving distance from the border of the Borough of Montvale in accordance with the official map on file with the Borough Clerk.
- F. Credit cards. All official towers must have the ability to receive credit card payment and will accept same for payment of all towing and storage services included specifically, or by reference, in this chapter. The towers can charge a credit card convenience fee of up to 4% but no more than they are charged.

§365-7 Official towers list.

- A. Official towers shall be placed on the list in the order in which their application is approved and license issued. Once the initial list has been established, new official towers, when their applications have been approved, will be added to the list. The Police Chief may establish a non-discriminatory rotational basis for calls, which may be on a per-call, daily, weekly, monthly, or other reasonable basis that the Chief may determine in his/her sole discretion is in the best interests of the Borough.
- B. The Borough shall request wrecking, towing and storage services from each official tower in rotation. When called, the tower shall advise the dispatcher if a vehicle is available and the estimated time of arrival. If no tower vehicle is available or if the response time will exceed 20 minutes, the next official tower on the list shall be called. If none of the official towers are available or able to provide such services as are requested by the Borough, the Borough may request such services from any other available source. All requests shall be made by the Chief of Police or his designee.
- C. The Borough shall request service only from official towers; provided, however, that if no emergency or road hazard exists, the Chief of Police or his designee shall request such service from such other person as the owner of the motor vehicle in need of such services may request, provided that the request is responded to within 30 minutes.
- D. During adverse weather conditions, heavy traffic conditions or emergency conditions, official towers shall give priority to requests from the Borough over any other requests which may be received by the official towers.

§365-8 Removal of abandoned vehicles.

- A. An "abandoned vehicle" means any vehicle so designated by an authorized representative of the Police Department. Removal is to be performed under the direction and supervision of the Police Department 24 hours a day, seven days a week, anywhere within the Borough limits.
- B. All abandoned vehicles must be removed within one half hour after receiving notification from the Police Department. The licensee may be penalized up to \$100 per incident for each abandoned vehicle not removed within one half hour of being notified. Penalties provided for

in this chapter may be assessed by the Police Department in each documented situation in which the licensee failed to respond for the requested tow within one half hour.

- C. The Borough of Montvale shall retain the right to tow abandoned vehicles to its own land to retain any moneys realized from the sale of such vehicles.

§365-9 Hold harmless agreement.

Applicants shall agree, in writing, to assume the defense of and indemnify and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Borough may be subjected of any kind and nature whatsoever resulting from, caused by, arising out of or as a consequence of the provision of towing, wrecking, storage and/or emergency services provided at the request of this Borough pursuant to this chapter. Official towers shall enter into a hold harmless agreement in a form to be prepared by the Attorney for the Borough prior to being included in the official towers list.

§365-10 Insurance.

- A. No person shall be included on the official towers list unless and until such person has provided to the Borough a certificate(s) of insurance evidencing that there is in effect the following insurance coverage.
 - 1. General property damages and liability insurance in an amount not less than \$1,000,000 per occurrence and \$2,000,000 per aggregated general liability, including additional garage keepers' coverage, shall be primary as respects vehicles of others and shall include collision coverage.
 - 2. Garage keepers' liability insurance in an amount not less than \$500,000 per location shall be required. No deductible amounts are permitted. The words "no deductible" shall be included on the policy and/or certificate of insurance.
 - 3. Workers' compensation as required by law shall be required.
- B. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey.
- C. The Borough of Montvale shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not be canceled or terminated or coverage decreased without 30 days' written notice to the Borough. Such insurance shall be primary.
- D. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled or terminated or coverage decreased in amount, the tower shall be removed immediately from the official towers list until such time as the required coverage is reinstated or replaced.

§365-11 Towing and storage fee schedule.

- A. All charges for nonconsensual towing services shall be limited to those set forth in this chapter. This chapter does not apply to charges for consensual towing services.

- B. Fees for towing and storage of light-duty vehicles damaged in an accident or recovered after being stolen may not exceed the fees established by the New Jersey Department of Consumer Affairs under N.J.S.A. 56:13-14a. Those towing and storage fees which are set forth in N.J.A.C. 13:45A-31.4, as amended and supplemented, are incorporated herein by reference. Pursuant to law, the fee schedules shall be reviewed by the New Jersey State Commissioner of Consumer Affairs on an annual basis and may be revised if necessary. In the event that the schedules are revised by the New Jersey State Commissioner of Consumer Affairs, the revised fees shall be the maximum fees that may be charged by official towers, and this chapter shall be amended accordingly.

1. The following is the fee schedule for towing services not covered by N.J.S.A. 56:13-14a and N.J.A.C. 13:45A-31.4:

- a. The following is the fee schedule for basic towing service:

Type	Fee
Light-duty vehicle	\$155
Medium-duty vehicle	\$300/hour inc. mileage
Heavy-duty vehicle	\$500/hour, inc. mileage
Decoupling fee (if tow is not performed after hookup)	1/2 of basic rate
Each mile outside of Montvale Borough (one way)	\$7/mile
Police impound (towing of car to police impound facilities)	\$150

- b. The following is the fee schedule for storage within the Borough of Montvale (first day is 24 hours thereafter per calendar day). Inside rate is two times the outside rate.

Type	Fee
Light-duty vehicle	\$50/day
Medium-duty vehicle	\$125/day
Heavy-duty vehicle	\$125/day
Buses	\$150/day
Roll-off	\$125/day for each
Cargo/accident debris/load storage/vehicle components	\$50/day per space
Rental of any tow company-supplied trailer post-incident	\$500/day

- c. The following is the fee schedule for road service calls (starting dead batteries, fuel or flat tires, etc.):

Type	Fee
Light-duty vehicle	\$150/hour, plus parts
Medium/Heavy-duty vehicle	\$200/hour, plus parts

- d. Recovery and winching, minimum one hour (in addition to towing, per truck, including driver):

Type	Fee
Light-duty vehicle	\$200/man-hour, charged in ½ hour increments
Medium-duty vehicle	\$350/man-hour, charged in ½ hour increments
Heavy-duty vehicle	\$650/man-hour, charged in ½ hour increments

e. The following is the fee schedule for labor (all labor, minimum of one hour):

Type	Fee
Accident major cleanup and disposal of debris	\$75/hour
Recovery supervisor and/or Level III recovery specialist	\$250/hour
Certified towing operator	\$150/day per person
Manual laborers	\$125/hour per person

f. The following is the fee schedule for specialized recovery equipment. Special recovery services of all vehicles shall be charged at the respective rates set below. These charges shall only be used in situations deemed necessary, and a notation of fact shall be noted on the official tower's bill. Said charges shall not apply to winching a vehicle on a flat-bed vehicle when the vehicle rolls freely.

Type	Fee
Rotator/crane recovery unit	\$1,200 per hour
Tractor with Landoll trailer or detach trailer	\$500 per hour
Tractor/transport hauler only	\$350 per hour
Refrigerated trailer with tractor	\$550 per hour
Box trailer with tractor	\$500 per hour
Air cushion unit	\$1,000 per hour
Light tower	\$250 per hour
Pallet jack	\$200 Flat Rate
Rollers	\$200 Flat Rate
Any other specialized equipment	\$300 per hour
Loader/backhoe/telescopic handler/bulldozer/Bobcat	\$400 per hour for each used
Forklift	\$400 per hour
Dump truck/Dump trailer with tractor	\$400 per hour
Roll-off with container	\$400 per hour, plus disposal
Scene safety equipment, communication equipment, traffic management equipment, etc.	\$250 per hour for each type used
Recovery support vehicle/trailer additional recovery equipment	\$350 per hour

g. The following is the fee schedule for additional services:

Type	Fee
Fuel/HazMat/cargo spills cleanup and disposal	Time and material

BOROUGH OF MONTVALE**JUNE 11, 2026**

HazMat and trash recovery	Surcharged 10%
Subcontractor mark-up	20%
Administration charge (only after third visit to vehicle)	Light-duty only - \$50
Administration charges (only after first visit)	Medium-/heavy-duty - \$200
After-hours release	\$85

h. Fuel surcharge chart (tow and mileage cost only):

Fuel Cost	Fuel Surcharge Percentage
\$2.50	0%
\$3	1%
\$3.50	2%
\$4	3%
\$4.50	4%
\$5	5%
\$5.50	6%
\$6	7%
\$6.50	8%
\$7	9%
\$7.50	10%
\$8	11%

i. After the first hour, all hourly billable rates will be charges in half-hour increments.

C. Calculation of rates and fees.

1. The towing mileage rates, where applicable, shall be calculated based on the total distance traveled from the site of pickup of the vehicle in question to the drop-off point, by way of the shortest available route. Fractions shall be rounded up to the nearest whole. The first seven miles shall not be subject to the mileage charge.
 2. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fees for each vehicle transported.
- D. No storage of any disabled or damaged vehicle shall be located on any public street or sidewalk in the Borough.
- E. The fees set forth on the schedules set forth in this section contained for storage fees are the maximum storage charges per twenty-four-hour period that shall apply to all vehicles stored by an official tower.
- F. Motorcycles and all other on-/off-road vehicles shall be considered private passenger vehicles for purposes of determining fees which are allowed under this section. Any other objects not covered herein which are towed by an official tower at the request of the Borough shall be subject to fees as determined by the Mayor and Council.
- G. The use of Speedy-Dri shall be charged the rate of \$25 per fifty-pound bag after the first bag.
- H. Fees for towing and storage of private passenger vehicles damaged in an accident or recovered after being stolen may not exceed the fees established by the New Jersey

Department of Insurance pursuant to N.J.S.A. 56:13-7 et seq. Those towing and storage fees, which are set forth in N.J.A.C. 11:3-38.1, are incorporated herein by reference.

- I. The fees set forth in Subsections B and C of this section do not apply to vehicles owned and/or operated by the Borough of Montvale or any of its agencies. Under no circumstances do the towing and storage fees apply to such vehicles. As a condition of any license, the tower agrees to this provision and to tow and store such vehicles without charge.
- J. Responsibility to clean up accident scene. Any tow company removing a vehicle from the scene of an accident in the Borough of Montvale shall be responsible for collecting and disposing of all loose glass, liquid, metal and other vehicle debris on the roadway in and about the scene of the accident. The tow company shall further be responsible for sweeping the roadway before towing away the vehicle from the scene. No charge is allowed for minor accident cleaning. Where major accident cleaning is required, a fee of \$25 may be collected by the tow company if there is a liquid spill from the motor vehicles and more than one bag of absorbent material is used to clear the scene. The absorbent material will be provided by the tow company and cleared away by the tow company. Proper notification to emergency personnel should be made in the event that the liquid spill requires hazardous material response.
- K. The tow company must respond within one-half hour from the time they are called. Billable time begins from the time they show up on the scene and report to police.
- L. No decoupling fee may be charged other than those as may be set forth in this chapter.
- M. The on-call tow company will tow the vehicles to the customer's desired location within Bergen County.
- N. The tow companies will provide a monthly tow report with receipts to the Borough. They must include any notations of fact for any additional charges on the official tower's bill.
- O. The tow companies shall tow all vehicles, including electric vehicles.

§365-12 Miscellaneous provisions.

- A. Copies of this chapter and the schedule of fees that may be charged by official towers shall be made available to the public during normal business hours at Borough Hall. Copies shall also be made available to the public at each official tower's place of business.
- B. All official towers shall post, in a prominent place at each storage area clearly visible to the public, a schedule of fees that may be charged for all services, provided that the same is pursuant to this chapter.
- C. The Borough reserves the right to make periodic unannounced inspections of the personnel, vehicles, equipment and storage areas of all official towers.
- D. The relationship between an official tower and the Borough is one of an independent contractor. Neither party shall be construed in any manner whatsoever to be an employee of the other, nor shall any employee or agent furnished by any party be construed to be an employee or agent of the other party. Inclusion on the official towers list shall not be construed or considered as a joint venture, partnership, association, contract of employment or profit-sharing agreement.

- E. The Borough shall not be liable or responsible for compensating the official towers for any of the services performed under this chapter unless those services are performed for Borough vehicles. Compensation shall be the responsibility of the owner of the towed motor vehicle and the official tower shall proceed directly against the owner.
- F. The official tower shall, at all times, be solely responsible for the conduct of its employees.
- G. Each official tower shall keep and maintain adequate and complete records showing all vehicles towed, stored and released, all services rendered and all fees charged and collected. All records shall be available for inspection by the Borough at any time during normal business hours. Records shall be kept and maintained by the official tower at one central location and shall be retained for a period of seven years. Records may be written, printed or computerized as long as the requirements of this subsection are met.

§365-13 Enforcement agency; suspension or revocation of license.

- A. The Montvale Police Department, the Borough Administrator, or the Mayor and Council shall have the authority to hear complaints against any official tower whether brought by Borough representatives, the public, and/or other official towers. The Montvale Police Department shall review all complaints and issues in consultation with the Borough Administrator.
- B. The hearing officer, whoever it may be, shall have the power to issue subpoenas to compel attendance at the hearing.
- C. In the event that a complaint (of a noncriminal nature) is received by the Borough or issued by the Borough involving the improper or unsatisfactory performance of services by an official tower, excessive charges or damage to a motor vehicle while in the custody of the tower, written notice of said complaint, by certified mail, return receipt shall be given to the official tower against whom the complaint is made. The official tower shall make a written response to such complaint within five calendar days from receipt of the written notice and may request an in-person hearing.
- D. The Police Department after hearing the matter shall have the authority to suspend the official tower's license until the next rotation. The matter shall be referred to the Borough Administrator for any further action. The Borough Administrator may take further action, including a longer suspension or termination of the license for up to one (1) year, after notice and an opportunity to be heard. The Borough Administrator may also refer the matter to the Mayor and Council. Any contestation of suspension or further action shall be made by way of appeal to the Mayor and Council within 14 calendar days of the notice of said suspension or further action. The Mayor and Council shall then conduct a hearing, or delegate the hearing to the Borough Administrator, regarding the appeal of the suspension or further action within 30 calendar days of the tower's notice of appeal, whenever practicable.
- E. In the event that two or more complaints are pending for over 30 days in Municipal Court, then the Borough Administrator may suspend the official tower's license, after a hearing and decision.
- F. If, after considering the matter and the findings by the Police Department or the Borough Administrator, the Mayor and Council shall determine that there is good and sufficient cause for revocation of the official tower's license, or any lesser penalty, the tower shall surrender said license to the Borough Clerk within one calendar day.

- G. Failure to surrender the license upon revocation shall constitute a violation of this chapter, subject to all legal action available to the Borough, including permanent removal from the official towers list.
- H. Nothing contained herein shall prevent or limit the right of any person to commence or maintain an action for damages or any other relief directly against an official tower in a court of competent jurisdiction.

§365-14 Violations and penalties.

- A. In addition to any suspension or revocation of license, a person who shall violate any of the provisions of this chapter shall be subject to the following:
 - 1. Punishable by a fine not exceeding \$2,000 or imprisonment for a term not exceeding 90 days or for a period of community service not exceeding 90 days, or any combination of them, at the discretion of the Municipal Court. The minimum fine for violation of any provision of this chapter shall be a fine of \$1,000;
 - 2. Each violation of any of the provisions of this chapter and each day the same is violated shall be deemed and taken to be a separate and distinct offense; and
 - 3. The imposition of a fine or imprisonment, or both, for a violation of this chapter of the Code shall not be deemed to be in lieu of any other provision therein providing for revocation or suspension of any license or permit issued thereunder.
- B. In addition to the fine provided above, a violation of any of the provisions of this chapter shall be cause for revocation of the official tower's license.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

Motion to Introduced for second reading Ordinance No. 2026-1592 by Councilmember Russo-Vogelsang; seconded by Council President Cudequest; Clerk read by title only.
Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Roche - All ayes.

No public comment

Motion to close meeting to the public by Council President Cudequest; seconded by Councilmember Roche - All ayes.

Motion to adopt on Second and Final Reading on the Borough of Montvale's website <http://www.montvale.org/publicnotices> by Councilmember Lane; seconded by Council President Cudequest - All ayes on a roll call vote.

PUBLIC HEARING OF ORDINANCE NO. 2026-1593 AN ORDINANCE OF THE BOROUGH OF MONTVALE AMENDING AND SUPPLEMENTING OVERNIGHT STREET PARKING REGULATIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1. Chapter 385, Section 4 of the Borough Code is hereby amended and supplemented by adding the underlined text, as follows:

§ 385-4 Parking prohibited during certain hours on certain streets.

- A. No person shall park a vehicle between the hours specified in Schedule II on any day upon any of the streets or parts of streets described in said Schedule II, attached to and made a part of this chapter.
- B. In addition, it shall be unlawful for any person to park or permit the parking of any vehicle on any street or municipal parking lot within the Borough of Montvale between the hours of 2:00 a.m. and 5:00 a.m.
- C. The Chief of Police for the Borough of Montvale, or his or her designee, shall have the authority to waive overnight parking prohibitions upon receipt of a request by a resident. All requests for waivers for up to five nights will be granted, unless the Chief determines that granting such waiver would be detrimental to public health or safety. All requests for waivers in excess of five nights will be reviewed on an individual basis, but in no event shall a waiver be granted for longer than four weeks. All requests shall be submitted by calling the Police Department non-emergency line. Waivers may be granted for non-commercial vehicles only.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

Motion to Introduced for second reading Ordinance No. 2026-1593 by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only.

Motion to open meeting to public by Council President Cudequest; seconded by Councilmember Lane - All ayes.

No public comment

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Roche - All ayes.

Motion to adopt on Second and Final Reading on the Borough of Montvale's website <http://www.montvale.org/publicnotices> by Councilmember Lane; seconded by Councilmember Roche - All ayes on a roll call vote.

PUBLIC HEARING OF ORDINANCE NO. 2026-1594 AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 170 OF THE BOROUGH CODE TO CLARIFY THE SENIOR FEE WAIVER

BE IT ORDAINED by the Mayor and Council of the Borough of Montvale as follows:

Section 1. Chapter 170 of the Borough Code, Article VI, "Building Department Fees Waiver for Senior Citizens," Section 19, "Waiver," is hereby amended and supplemented by adding the underlined text, as follows:

§ 170-19 Waiver.

- A.** Fees collected for the issuance of building permits for improvements to the applicant's personal residence by the Building Department of the Borough of Montvale, which are specified in Montvale Code §170-10A through E and which include, respectively, building subcode fees, plumbing subcode fees, electrical subcode fees, fire subcode fees, and elevator fees, shall be waived for any citizen who meets the eligibility requirements contained in this article.
- B.** All county, state and federal fees, and all other local fees other than construction permit fees as defined herein, shall remain the sole responsibility of the applicant, and no applicant will be exempt from any such fees, including, without limitation, the New Jersey permit surcharge fee and all development fees mandated by the New Jersey Council on Affordable Housing.
- C.** The maximum value of the fee waiver shall be \$1,000 per application. Any local fees above and beyond the \$1,000 waiver shall remain the responsibility of the applicant.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective upon adoption and publication as required by law.

Motion to Introduced for second reading Ordinance No. 2026-1594 by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only.

Motion to open meeting to public by Councilmember Lane; seconded by Councilmember Roche - All ayes.

No public comment

Motion to close meeting to the public by Councilmember Lane; seconded by Council President Cudequest - All ayes.

Motion to adopt on Second and Final Reading on the Borough of Montvale's website <http://www.montvale.org/publicnotices> by Councilmember Lane; seconded by Council President Cudequest - All ayes on a roll call vote.

INTRODUCTION OF ORDINANCE NO. 2026-1595 CAPITAL ORDINANCE APPROPRIATING \$87,000 FROM THE GENERAL CAPITAL FUND - FUND BALANCE ACCOUNT OF THE BOROUGH OF MONTVALE FOR RECORDS PRESERVATION AND ARCHIVAL SERVICES FOR BOROUGH MINUTE BOOKS AND OFFICIAL RECORDS, A HITCH-MOUNTED VARIABLE MESSAGE SIGN BOARD FOR THE FIRE DEPARTMENT, AND LICENSE PLATE READER CAMERAS FOR THE POLICE DEPARTMENT.
(public hearing 6-30-26)

A motion to Introduce Ordinance 2026-1595 for first reading was made by Councilmember Russo-Vogelsang; seconded by Councilmember Lane; Clerk read by title only; Councilmember Lane made a motion that this ordinance be passed on first reading and posted on the Borough's website <http://www.montvale.org/publicnotices>; seconded by Councilmember Roche - a roll call was taken – all ayes

MEETING OPEN TO PUBLIC:

Agenda Items Only

Motion to open meeting to the public by Councilmember Lane; seconded by Council President Cudequest – all ayes

No Public Comment

Motion to close meeting to the public by Councilmember Lane; seconded by Council President Cudequest – all ayes

MEETING CLOSED TO PUBLIC:

Agenda Items Only

MINUTES:

May 14, 2026

A motion to accept the minutes by Councilmember Lane; seconded by Council President Cudequest - all ayes

May 26, 2026

A motion to accept the minutes by Councilmember Lane; seconded by Council President Cudequest - all ayes with the exception of Councilmember Arendacs abstaining

CLOSED/EXECUTIVE MINUTES:

April 28, 2026

A motion to accept the closed session minutes by Councilmember Lane; seconded by Council President Cudequest - all ayes with the exception of Councilmember Roche abstaining

May 26, 2026

A motion to accept the closed session minutes by Councilmember Lane; seconded by Council President Cudequest - all ayes with the exception of Councilmember Arendacs abstaining

RESOLUTIONS: NON-CONSENT

None

RESOLUTIONS: (CONSENT AGENDA*)

*All items listed on a consent agenda are considered to be routine and non-controversial by the Borough Council and will be approved by a motion, seconded and a roll call vote. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

110-2026 A Resolution Authorizing Settlement Of A Tax Appeal Filed By John Rothschild, Jr. As Receiver For 100 Philips Parkway LLC For The Property Identified As Block 3103, Lot 2 On The Official Tax Map Of The Borough Of Montvale

WHEREAS, a property tax appeal had been filed against the Borough of Montvale (hereinafter the "Borough") by 155 Chestnut Ridge LLC (hereinafter the "Tax Appeal"), under Docket No. 010076-2025; and

WHEREAS, the aforesaid Tax Appeal involves property located at 155 Chestnut Ridge Road, and is identified as Block 1001, Lot 2 on the tax assessment map of the Borough (hereinafter the "subject property"); and

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by the Borough Tax Assessor and the Borough Appraiser; and

WHEREAS, the terms of the proposed settlement are set forth in the Stipulation of Settlement filed with the Tax Court of New Jersey attached hereto as Schedule A attached; and

WHEREAS, the Tax Assessor is of the opinion that it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement terms as follows:

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$5,675,000	\$5,675,000	\$5,675,000
Improvements	\$7,732,500	\$7,732,500	\$6,825,000
Total	\$13,407,500	\$13,407,500	\$12,500,000

It is also agreed that the 2026 total aggregate of the subject property shall be no greater than \$9,500,000 for the 2026 Tax Year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the aforesaid Tax Appeal settlement is hereby approved, in accordance with the terms set forth in the attached Schedule A; and,

BE IT FURTHER RESOLVED, that with respect to same, the Borough Assessor, Borough Attorney and/or any other appropriate Borough official are hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.

111-2026 A Resolution Authorizing Settlement Of A Tax Appeal Filed By John Rothschild, Jr. As Receiver For 135 Chestnut Ridge Partners LLC For The Property Identified As Block 1001, Lot 1 On The Official Tax Map Of The Borough Of Montvale

WHEREAS, a property tax appeal had been filed against the Borough of Montvale (hereinafter the "Borough") by 135 Chestnut Ridge Partners LLC (hereinafter the "Tax Appeal"), under Docket No. 002988-2025; and

WHEREAS, the aforesaid Tax Appeal involves property located at 135 Chestnut Ridge Road, and is identified as Block 1001, Lot 1 on the tax assessment map of the Borough (hereinafter the "subject property"); and

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by the Borough Tax Assessor and the Borough Appraiser; and

WHEREAS, the terms of the proposed settlement are set forth in the Stipulation of Settlement filed with the Tax Court of New Jersey attached hereto as Schedule A attached; and

WHEREAS, the Tax Assessor is of the opinion that it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement terms as follows:

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$3,740,000	N/A	\$3,740,000
Improvements	\$4,510,000	Direct	\$3,760,000
Total	\$8,250,000	Appeal	\$7,500,000

It is also agreed that the 2026 total aggregate of the subject property shall be no greater than \$6,500,000 for the 2026 Tax Year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the aforesaid Tax Appeal settlement is hereby approved, in accordance with the terms set forth in the attached Schedule A; and,

BE IT FURTHER RESOLVED, that with respect to same, the Borough Assessor, Borough Attorney and/or any other appropriate Borough official are hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.

112-2026 A Resolution Authorizing Settlement Of A Tax Appeal Filed By 155 Chestnut Ridge LLC For The Property Identified As Block 1001, Lot 2 On The Official Tax Map Of The Borough Of Montvale

WHEREAS, a property tax appeal had been filed against the Borough of Montvale (hereinafter the "Borough") by 155 Chestnut Ridge LLC (hereinafter the "Tax Appeal"), under Docket No. 010076-2025; and

WHEREAS, the aforesaid Tax Appeal involves property located at 155 Chestnut Ridge Road, and is identified as Block 1001, Lot 2 on the tax assessment map of the Borough (hereinafter the "subject property"); and

WHEREAS, the said Governing Body has been advised as to the merits of the subject Tax Appeal by the Borough Tax Assessor and the Borough Appraiser; and

WHEREAS, the terms of the proposed settlement are set forth in the Stipulation of Settlement filed with the Tax Court of New Jersey attached hereto as Schedule A attached; and

WHEREAS, the Tax Assessor is of the opinion that it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement terms as follows:

	Original Assessment	County Board Judgment	Requested Tax Court Judgment
Land	\$5,675,000	\$5,675,000	\$5,675,000
Improvements	\$7,732,500	\$7,732,500	\$6,825,000
Total	\$13,407,500	\$13,407,500	\$12,500,000

It is also agreed that the 2026 total aggregate of the subject property shall be no greater than \$9,500,000 for the 2026 Tax Year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Montvale, that the aforesaid Tax Appeal settlement is hereby approved, in accordance with the terms set forth in the attached Schedule A; and,

BE IT FURTHER RESOLVED, that with respect to same, the Borough Assessor, Borough Attorney and/or any other appropriate Borough official are hereby authorized to perform any act necessary to effectuate the purposes set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to credit and/or refund the appropriate taxes in accordance with the terms of this Resolution.

113-2026 Amending Resolution No. 180-2025, Award Professional Service Contract to Applied Earth Solutions, Inc. for Environmental Services at 1 Memorial Drive

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional environmental services for the closure of one 500-gallon waste oil regulated Underground Storage Tank located at 1 Memorial Drive; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Applied Earth Solutions, Inc., with offices located at 1168 State Route 34, Aberdeen, NJ 07747 has submitted a proposal dated February 10, 2025 to provide the environmental site investigation; and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution; and

NOW, THEREFORE BE IT RESOLVED the scope of services shall be awarded to Applied Earth Solutions, Inc. with the cost not to exceed \$17,000.00; and

BE IT FURTHER RESOLVED, that a copy of this resolution be posted to the Borough's website <http://www.montvale.org/publicnotices>, be on file, available for public inspection, in the office of the Municipal Clerk, located at the Municipal Complex, 12 DePiero Drive, Montvale, NJ 07645.

114-2026 A Resolution Awarding a Contract to DLS Contracting, Inc. for the 2026 Montvale Road Program Pursuant to the 2026 Riverside Cooperative Road Improvement Program Contract RC-35-26-01

WHEREAS, the Borough has a need to procure road paving services for the 2026 Montvale Road Program; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to enter into Cooperative Pricing Agreements; and

WHEREAS, pursuant to Section 11 of the Local Public Contracts Law, N.J.S.A. 40A:11-11, the Borough is a member of a cooperative pricing system for the provision of goods and services with the Riverside Cooperative (the "Co-op") with the Borough of Northvale as the Lead Agency; and

WHEREAS, the Borough of Northvale did publicly advertise for bid paving services for the participating members of the Co-op; and

WHEREAS, the Borough of Northvale on behalf of the Co-op did award a Master Contract to DLS Contracting, Inc., a copy of which is attached hereto, which provides for individual unit pricing to be utilized by the participating members, including Montvale; and

WHEREAS, the Borough is desirous of entering into a contract through the Co-op with DLS for paving services for the 2026 Montvale Road Program on an open-ended basis at the prices and on the terms and conditions of the Master Contract; and

WHEREAS, the Borough is desirous of utilizing DLS to pave a number of roads throughout the Borough, which may include but not be limited to the following roads:

- Valley View Terrace (Their Lane to Terminus)
- Powder Hill Road (Valley View Terrace to Chestnut Ridge Road)
- Garden Lane (Stuyvesant Road to Beechwood Road)
- Beechwood Road (Stuyvesant Road to Beechwood Road)
- Hollow Wood Lane (Magnolia Ave to N. Terminus)

WHEREAS, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby award the above-referenced open-ended contract pursuant to Riverside Cooperative Contract RC-35-26-01, as follows:

Vendor	Contract Amount
DLS Contracting, Inc. 36 Montesano Road Fairfield, NJ 07004	\$438,973.60

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk, and all other appropriate officials, officers and employees are hereby directed, authorized and empowered to take all steps necessary to effectuate the provisions and purposes of this resolution.

115-2026 Award Professional Service Contract to Colliers Engineering & Design - for Construction Observation & Administration Services for 2026 Riverside Cooperative Paving Program

WHEREAS, the Borough of Montvale has deemed it necessary to engage the professional services of an Engineer for Construction Observation & Administration Services for 2026 Riverside Cooperative Paving Program; and

WHEREAS, section N.J.S.A. 40A:11-5 of the Local Public Contracts Law, (N.J.S.A. 40A:11-1 et seq.) exempts such professional services from competitive bidding; and

WHEREAS, Colliers Engineering & Design, 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856 has submitted a proposal dated April 16, 2026 to provide engineering services which are detailed and attached to the original of this resolution, and

WHEREAS, the Certified Municipal Finance Officer has certified funds are available certification hereto attached to the original of this resolution.

NOW, THEREFORE BE IT RESOLVED by the Borough of Montvale as follows:

- 1) That the following be provided: Construction Observation & Administration Services
- 2) The cost not to exceed shall be \$51,500.00. The Engineer shall be required to submit itemized bills and payment shall be made based upon services rendered. The rates for this work are in accordance with the hourly contractual agreement with the Borough of Montvale.

BE IT FURTHER RESOLVED, that a copy of this resolution be posted to the Borough's website <http://www.montvale.org/publicnotices>, be on file, available for public inspection, in the office of the Municipal Clerk, located at the Municipal Complex, 12 DePiero Drive, Montvale, NJ 07645.

116-2026 Requesting Approval of Items of Revenue and Appropriation N.J.S.A. 40A:4-87 – Oritani Charitable Foundation Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law, and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the CY 2026 Municipal Budget in the sum of \$200,000.00, which is now available as revenue from:

Miscellaneous Revenues – Section F:

Special Items of Revenue Anticipated with Prior Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:
Oritani Charitable Foundation Grant (FCOA 12-851).

BE IT FURTHER RESOLVED that the like sum of \$200,000.00 is hereby appropriated under the caption:

General Appropriations:

(A) Operations Excluded from "CAPS"

Public and Private Revenues Offset by Revenues

Oritani Charitable Foundation Grant (FCOA 40-851).

BE IT FURTHER RESOLVED that a copy of this Resolution shall be electronically filed with the Director for approval as required by law.

117-2026 Resolution Supporting Companion Legislation, Assembly Bill No. 1950 (1r) And Senate Bill No. 2884, To Advance The Policy Objective Of Improving Hospital Sepsis Recognition, Treatment, And Quality Improvement

WHEREAS, Assembly Bill No. 1950 and Senate Bill No. 2884 are companion measures pending before the New Jersey Legislature concerning sepsis recognition and treatment protocols in hospitals; and

WHEREAS, the shared policy objective of this companion legislation is to require general and special hospitals licensed in the State of New Jersey to adopt, implement, and periodically update evidence-based protocols for the early recognition and treatment of patients with sepsis, severe sepsis, and septic shock, to provide appropriate staff training, and to utilize quality measures to improve care and outcomes; and

WHEREAS, sepsis is a serious and potentially life-threatening medical condition resulting from the body's overwhelming response to infection and may lead to permanent organ damage, disability, cognitive impairment, or death if not recognized and treated promptly; and

WHEREAS, timely and evidence-based hospital protocols for the screening, early recognition, and treatment of sepsis, severe sepsis, and septic shock can improve patient outcomes, promote consistency of care, and advance the health, safety, and welfare of residents of Essex County and throughout the State of New Jersey; and

WHEREAS, the Borough of Montvale, Bergen County, finds that the policy objective embodied in Assembly Bill No. 1950 and Senate Bill No. 2884 serves an important public purpose by promoting earlier sepsis identification, prompt treatment, clinical accountability, and quality improvement in hospital care;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale, Bergen County, hereby endorses and strongly supports the policy objective embodied in companion legislation, Assembly Bill No. 1950 and Senate Bill No. 2884; and

BE IT FURTHER RESOLVED, that the Borough of Montvale respectfully urges the New Jersey Legislature to enact this legislation advancing these objectives to improve hospital sepsis recognition, treatment, and quality improvement practices; and

BE IT FURTHER RESOLVED, that upon final passage by the Legislature, the Board respectfully urges the Governor of the State of New Jersey to sign such legislation into law; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the Governor of the State of New Jersey, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the New Jersey Commissioner of Health, and such other officials as may be appropriate.

118-2026 REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION

N.J.S.A. 40A:4-87 – Hekemian Foundation Community Garden Contribution

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law, and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Montvale, in the County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the CY 2026 Municipal Budget in the sum of \$35,000.00, which is now available as revenue from:

Miscellaneous Revenues – Section F:

Special Items of Revenue Anticipated with Prior Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

Hekemian Foundation Community Garden Contribution (FCOA 12-881).

BE IT FURTHER RESOLVED that the like sum of \$35,000.00 is hereby appropriated under the caption:
General Appropriations:
(A) Operations Excluded from "CAPS"
Public and Private Revenues Offset by Revenues
Hekemian Foundation Community Garden Contribution (FCOA 40-881).

BE IT FURTHER RESOLVED that a copy of this Resolution shall be electronically filed with the Director of the Division of Local Government Services for approval as required by law.

119-2026 Amending Resolution No. 37-2026 - Awarding a Professional Service Contract for the Position of Municipal Prosecutor for the Pascack Joint Municipal Court to Geoffrey D. Mueller, Esq.

WHEREAS, the Pascack Joint Municipal Court has a need to contract with a licensed attorney or firm to serve as the municipal prosecutor pursuant to N.J.S.A. 2B:24-1, et seq.; and

WHEREAS, the Pascack Municipal Court Committee agreed to acquire Attorney Services through the alternate process pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and,

WHEREAS, it is the desire of the Pascack Joint Municipal Court to appoint Geoffrey D. Mueller, as Municipal Prosecutor; and

WHEREAS, the compensation of the municipal prosecutor shall be \$40,500 per year; and

WHEREAS, said compensation shall be included as part of the Operational Costs for the Pascack Joint Municipal Court as per the agreement between the participating municipalities; and

WHEREAS, the term of this contracts shall commence as of the date of this resolution, and shall continue for the remainder of the calendar year 2026; and

WHEREAS, the Certified Municipal Finance Officer has the availability of funds; and,

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and Contracts must be available for public inspection.

BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale as follows:

1. This Contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law, because the services are to be performed by a person authorized by law to practice a recognized profession.

2. The Contracts, including the terms of compensation for each professional, shall be placed on file with this resolution.

3. A Notice of this action shall be posted to the Borough's website

<http://www.montvale.org/publicnotices>, be on file, available for public inspection, in the office of the Municipal Clerk, located at the Municipal Complex, 12 DePiero Drive, Montvale, NJ 07645.

120-2026 A Resolution Awarding a Contract to Nielsen of Morristown Pursuant to State Contract #23-FLEET-34933 for the Purchase of a 2026 Dodge Durango (WDEE75) Pursuit AWD

WHEREAS, the Borough of Montvale has a need to acquire a 2026 Dodge Durango (WDEE75) Pursuit AWD for use by the Montvale Police Department; and

WHEREAS, the Borough did adopt a bond ordinance funding the purchase of this Dodge Durango; and

WHEREAS, the Borough has determined that the most convenient and cost-effective way to procure said vehicle is by State Contract pursuant to N.J.S.A. 40A:11-12a, and the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough did solicit a quote from Nielsen of Morristown pursuant to State Contract #23-FLEET-34933 for said vehicle and the selected options in the total amount of \$74,712.50; and **WHEREAS**, the Borough is desirous of awarding this contract and purchasing said vehicle from Nielson of Morristown pursuant to the April 29, 2026 Proposal, a copy of which is attached hereto; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale hereby accepts April 29, 2026 Proposal from Nielsen of Morristown, 200 Ridgedale Avenue, Morristown, New Jersey 07960, for the aforementioned vehicle and directs, authorizes and empowers all appropriate officials to execute an agreement and/or purchase order for this contract, subject to all the conditions applicable to State Contract #23-FLEET-34933 and subject to approval by the Borough Attorney.

121-2026 A Resolution Awarding a Contract to Pellegrino Chevrolet Pursuant to Bergen County Co-Op Contract #24-43 for the Purchase of a 2026 Chevy Silverado 1500 4WD Crew Cab For Use By The Montvale Police Department

WHEREAS, the Borough of Montvale has a need to acquire a 2026 Chevy Silverado 1500 4WD Crew Cab for use by the Montvale Police Department; and

WHEREAS, the Borough did adopt a bond ordinance funding the purchase of this vehicle; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the Borough did solicit a quote from Pellegrino Chevrolet, 1000 Gateway Blvd, Westville, New Jersey, 08093, pursuant to Bergen County Co-Op Contract #24-43 for said vehicle in the total amount of \$54,642.46; and

WHEREAS, the Borough is desirous of awarding this contract and purchasing said vehicle from Pellegrino Chevrolet pursuant to the April 27, 2026 Proposal, a copy of which is attached hereto; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale hereby accepts the April 27, 2026 Proposal from Pellegrino Chevrolet for the aforementioned vehicle and directs, authorizes and empowers all appropriate officials to execute an agreement and/or purchase order for this contract, subject to all the conditions applicable to Bergen County Co-Op Contract #24-43 and subject to approval by the Borough Attorney.

122-2026 A Resolution Awarding a Contract to East Coast Emergency Lighting, Inc. Pursuant to State Contract #17-FLEET-00761 for the Purchase and Installation of Various Equipment for the Department's New 2026 Chevy Silverado

WHEREAS, the Borough of Montvale has authorized a contract to acquire a 2026 Chevy Silverado for use by the Montvale Police Department; and

WHEREAS, the Borough has a need to procure certain equipment and installation of said equipment for this vehicle; and

WHEREAS, the Borough has determined that the most convenient and cost-effective way to procure said vehicle is by State Contract pursuant to N.J.S.A. 40A:11-12a, and the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey

Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough did solicit a quote from East Coast Emergency Lighting, Inc. pursuant to State Contract #17-FLEET-00761 for the purchase and installation of said equipment in the total amount of \$4,760.25; and

WHEREAS, the Borough is desirous of awarding this contract and purchasing said equipment from East Coast pursuant to the October 30, 2025 Quote, a copy of which is attached hereto; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Borough of Montvale hereby accepts the October 30, 2025 Quote from East Coast Emergency Lighting, Inc., 200 Mecco Drive, Millstone Twp., New Jersey 08535, for the aforementioned equipment and installation.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with East Coast Emergency Lighting consistent with this resolution and all the conditions applicable to State Contract #17-FLEET-00761 and subject to approval by the Borough Attorney.
3. This resolution shall take effect immediately.

123-2026 Authorize Change Order #1 to Liberty Parks & Playgrounds for a Steelworx Gable Pavilion for Huff Park Pursuant to ESCNJ Contract 24/25-01

WHEREAS, the Borough of Montvale awarded a contract on January 27, 2026 to

Liberty Parks & Playgrounds, P.O. Box 52, Stratford, NJ 08084 for the Huff Park Pavilion; and

WHEREAS, contract amount was awarded in the amount of \$142,735.09 via Resolution No. 52-2026; and

WHEREAS, the Borough Engineer in an email attached to the original of this resolution recommends Change Order #1 in the amount of \$5,500.00 as an increase to the contract for additional footing material; and

WHEREAS, Change Order #1 is hereby authorized to be issued to Liberty Parks & Playgrounds in the amount of \$5,500.00; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are attached to the original of this resolution; and

Original Contract Amount	\$142,735.09
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Change Order #1	<u>5,500.00</u>
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Adjusted Contract Amount	\$148,235.09
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124-2026 Resolution Approving Liquor License Renewals - July 1, 2026 Through June 30, 2027

WHEREAS, the following liquor license holder has submitted their renewal application through the POSSE ABC portal and paid the required fee as directed by the Division of Alcoholic Beverage Control; and

WHEREAS, the following liquor license holder has paid the municipal fee and a Tax Clearance Certificate has been received; and

WHEREAS, the applicant is qualified to be licensed per the standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, and pertinent Borough Ordinances; and

NOW THEREFORE BE IT RESOLVED that the Mayor & Council of the Borough of Montvale hereby authorizes the renewal of the following liquor licenses for the period of July 1, 2026 through June 30, 2027; and

BE IT FURTHER REOLVED that the Municipal Clerk is hereby authorized to issue a liquor license as follows:

0236-36-012-003 – South City Prime Montvale, LLC, for the premises at 100 Chestnut Ridge Road, Montvale, NJ

0236-33-006-003 - Montvale Recreation, Inc., t/a Montvale Recreation Inc. for premises at 14 West Grand Avenue, Montvale, NJ

0236-31-009-001 - Montvale Engine Co. #1, Inc., t/a Montvale Fire Department, for premises at 35 West Grand Avenue, Montvale, NJ

0236-44-002-011 - BPO Wine Corporation, t/a Wegmans, 110 Farm View, Montvale, NJ

0236-44-001-007 - WINE 2021, Inc. for the premises at 14 S Kinderkamack Road, Units 4 and 5, Montvale, NJ

0236-33-004-009 – OSI/FLEMINGS, for premises at 210 Market Street, Montvale, NJ

0236-33-007-004 - TPC, Inc., t/a Davey’s Locker, for premises at 5 Park Street, Montvale, NJ

0236-33-005-008 – The Waterfall, Inc., DBA The Porterhouse, for premises at 125 N. Kinderkamack Road, Montvale, NJ

125-2026 A Resolution Awarding a Contract to Motorola Solutions, Inc. for Police APX8500 Mobile Radio and Related Supplies Pursuant to NJ State Contract 25-TELE-132995

WHEREAS, the Borough has a need to procure an APX8500 Mobile Radio and Related Supplies for use by the Police Department; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.C.A. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, the Borough did solicit a quote from Motorola Solutions, Inc. for this equipment under State Contract 25-TELE-132995; and

WHEREAS, Motorola submitted a proposal to the Borough, a copy of which is attached hereto, in the total amount of \$8,748.14; and

WHEREAS, the Borough’s Police Chief has recommended that the Borough award this contract pursuant to the Motorola Proposal; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Montvale does approve the attached Quote from Motorola Solutions, Inc. for the APX8500 Mobile Radio and Related Supplies pursuant to State Contract 25-TELE-132995.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement with Motorola Solutions, Inc., consistent with this resolution.

3. This resolution shall take effect immediately.

126-2026 A Resolution Awarding a Contract to New Jersey Fire Equipment Co. for Sixty-Five (65) Air Cylinders and Related Equipment Pursuant to Bergen County Co-Op Contract BC-BID-24-30 For Use By The Montvale Fire Department

WHEREAS, the Borough has a need to procure sixty-five (65) air cylinders and related equipment for use by the Fire Department; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the Borough did solicit a quote from New Jersey Fire Equipment Co., 119-131 Route 22 East, Green Brook, New Jersey 08812, for these air cylinders and related equipment and services under Bergen County Co-Op Contract BC-BID-24-30; and

WHEREAS, New Jersey Fire Equipment Co. submitted a Quote to the Borough dated June 2, 2026, in the total amount of \$128,490.11; and

WHEREAS, the Borough did previously bond for this purchase; and

WHEREAS, the Borough's Fire Chief has recommended that the Borough award this contract pursuant to the New Jersey Fire Equipment Co. Proposal; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Montvale does approve the attached Quote from New Jersey Fire Equipment Co., 119-131 Route 22 East, Green Brook, New Jersey 08812, for sixty-five (65) air cylinders and related equipment for use by the Fire Department in the total amount of \$128,490.11.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement and/or purchase order with New Jersey Fire Equipment Co. consistent with this resolution.
3. This resolution shall take effect immediately.

127-2026 A Resolution Awarding a Contract to GTBM for One (1) Laptop Computer and Related Equipment Pursuant to Bergen County Co-Op Contract BC-BID-23-17 For Use By The Montvale Police Department

WHEREAS, the Borough has a need to procure one (1) laptop computer and related equipment for use by the Police Department; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), the Borough may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State Contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the Borough did solicit a quote from Gold Type Business Machines, Inc., 351 Paterson Avenue, East Rutherford, New Jersey 07073, for this laptop computer and related equipment and services under Bergen County Co-Op Contract BC-BID-23-17; and

WHEREAS, GTBM submitted a Quote to the Borough dated June 4, 2026, in the total amount of \$5,996.73; and

WHEREAS, the Borough's Police Chief has recommended that the Borough award this contract pursuant to the GTBM Proposal; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds have been appropriated and are available for this purpose.

NOW THEREFORE BE IT RESOLVED, as follows:

1. The Borough of Montvale does approve the attached Quote from Gold Type Business Machines, Inc., 351 Paterson Avenue, East Rutherford, New Jersey 07073, for one (1) laptop computer and related equipment in the total amount of \$5,996.73.
2. The Mayor, Borough Clerk and/or Borough Administrator are hereby directed, authorized and empowered to execute an agreement and/or purchase order with GTBM consistent with this resolution.
3. This resolution shall take effect immediately.

128-2026 A Resolution Awarding a Contract to Cliffside Body Corporation for One (1) Stainless Steel Dump Body, Snow Plow and Hydraulic VBox Salt Spreader Pursuant to ESCNJ Contract 23/24-04

WHEREAS, the Borough of Montvale has a need to acquire one (1) Stainless Steel Dump Body, Snow Plow and Hydraulic VBox Salt Spreader and related equipment for use by the Pascack Valley Department of Public Works, consistent with the Shared Services Agreement between Montvale and River Vale; and

WHEREAS, the Borough did solicit a proposal from Cliffside Body Corporation pursuant to ESCNJ Contract 23/24-04; and

WHEREAS, Cliffside did submit a proposal dated December 5, 2025, in the total amount of \$112,919.00; and

WHEREAS, pursuant to Section 11 of the Local Public Contracts Law, N.J.S.A. 40A:11-11, the Borough is a member of a cooperative pricing system for the provision of goods and services with the Educational Services Commission of New Jersey ("ESCNJ"), formerly known as the Middlesex County Educational Services Commission; and

WHEREAS, the Borough is desirous of entering into a contract through ESCNJ with Cliffside for this equipment as set forth in the December 5, 2025 proposal attached hereto and incorporated herein by reference; and

WHEREAS, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby award the above-referenced contract pursuant to ESCNJ Contract 23/24-04, as follows:

Vendor	Contract Amount
Cliffside Body Corporation	\$112,919.00
130 Broad Avenue	
Fairview, New Jersey 07022	

129-2026 A Resolution Awarding a Contract to All American Ford of Paramus 2027 F-750 Diesel SuperCab Base (X7D) and Related Equipment Pursuant to Bergen County Co-Op Contract BC-BID-24-43

WHEREAS, the Borough of Montvale has a need to acquire one 2027 F-750 Diesel SuperCab Base and related equipment for use by the Pascack Valley Department of Public Works, consistent with the Shared Services Agreement between Montvale and River Vale; and

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Borough of Montvale is a member of the Bergen County Co-Op; and

WHEREAS, the Borough did solicit a proposal from All American Ford of Paramus pursuant to Bergen County Co-Op Contract BC-BID-24-43; and

WHEREAS, All American did submit a proposal dated June 2, 2026, in the total amount of \$86,367.62; and

WHEREAS, the Borough is desirous of entering into a contract through the Bergen County Co-Op with All American for this vehicle and equipment as set forth in the June 2, 2026 proposal attached hereto and incorporated herein by reference; and

WHEREAS, any and all contracts entered into pursuant to this resolution shall remain subject to review and approval as to form by the Borough Attorney; and

WHEREAS, the Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Montvale does hereby award the above-referenced contract pursuant to Bergen County Co-Op Contract BC-BID-24-43, as follows:

Vendor	Contract Amount
All American Ford of Paramus 375 Route 17 Paramus, New Jersey 07652	\$86,367.62

130-2026 Approval To Submit A Grant Application And Execute A Grant Contract With The New Jersey Department Of Transportation For The Akers Avenue Roadway Improvements - 00049

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Montvale formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2027- Akers Avenue Roadway Improvements - 00049** to the New Jersey Department of Transportation on behalf of the Borough of Montvale.

BE IT FURTHER RESOLVED that the Mayor and Council and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Montvale and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement,

Introduced by: Councilmember Lane; seconded by Councilmember Roche - a roll call was taken – all ayes

ADD-ON RESOLUTIONS:**131-2026 Appointment of Regular Member, Montvale Fire Department – Matthew B. Epstein**

WHEREAS, the Montvale Fire Department is desirous of adding a regular member; and
WHEREAS, Matthew B. Epstein of Montvale, NJ has been approved by the Board of Fire Commissioners and has undergone a satisfactory physical, pursuant to the attached application which has been made part of this resolution; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Montvale that the appointment of Matthew B. Epstein, as a Regular Member of the Montvale Fire Department, is hereby approved.

Introduced by: Councilmember Lane; seconded by Council President Cudequest - – all ayes

132-2026 Binding Resolution Of The Borough Of Montvale, County Of Bergen Authorizing Commitment Pursuant To N.J.S.A. 52:27D-304.1(f)(2)(b)

WHEREAS, the Borough of Montvale (“Borough”) has a longstanding and well-documented history of voluntary compliance with the Mount Laurel doctrine and the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, for decades the Borough has consistently taken affirmative steps to satisfy its affordable housing obligations, including securing substantive certification in prior rounds and implementing numerous municipally supported compliance mechanisms to produce affordable housing opportunities; and

WHEREAS, the Borough’s Third Round Housing Element and Fair Share Plan (“HEFSP”) was notable for its extraordinary municipal effort required to address severe land constraints; and

WHEREAS, rather than deferring its obligations to the fullest extent permitted by law, the Borough undertook substantial and sustained efforts to maximize affordable housing production notwithstanding those constraints, which resulted in a 44-unit surplus; and

WHEREAS, as a result of those extraordinary efforts, the Borough has aggressively pursued the elimination of prior vacant land adjustments and has continued working to convert previously deferred obligations into real projects supported by real infrastructure solutions; and

WHEREAS, as a result of those extraordinary efforts, the Borough has received a Grant of Substantive Certification and/or a Judgment of Compliance and Repose during Rounds 1 (1987-1993), 2 (1993-1999), and 3 (1999-2025) of the affordable housing process; and

WHEREAS, because the Borough remained actively engaged in those efforts during the transition into the Fourth-Round planning process, it required additional time relative to many municipalities to formulate a comprehensive, responsible, and implementable HEFSP for the Fourth Round; and

WHEREAS, notwithstanding those circumstances, the Borough timely adopted and filed a HEFSP addressing its Fourth-Round obligations in accordance with the statutory deadlines; and

WHEREAS, notwithstanding the Borough’s good-faith efforts to develop a realistic and responsible plan, certain property owners and the Fair Share Housing Center (“FSHC”) have filed challenges to the Borough’s plan; and

WHEREAS, certain challenges remain unresolved and involve disputed factual and planning issues that are currently the subject of further proceedings before the Mount Laurel court; and

WHEREAS, the Affordable Housing Dispute Resolution Program (“Program”) reviewed the Borough’s submissions and determined that additional proceedings are appropriate, while at the same time recognizing that the Borough should retain immunity from exclusionary zoning litigation while the compliance process continues; and

WHEREAS, specifically, the Program recommended that the Borough maintain immunity from builder's remedy litigation conditioned upon the Borough's continued good-faith participation in the compliance process and continued implementation of its HEFSP; and

WHEREAS, the Fair Housing Act expressly contemplates circumstances where a municipality may demonstrate compliance with statutory deadlines through the adoption of a binding municipal commitment pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b); and

WHEREAS, this Resolution is intended to memorialize that binding commitment and to confirm that the Borough remains fully committed to achieving constitutional compliance through voluntary municipal action rather than through unnecessary litigation; and

WHEREAS, in addition to the foregoing, the Borough has continued to engage in negotiations and mediation with various property owners and developers in order to refine and strengthen the compliance mechanisms within its plan, including discussions involving, among others:

- Fair Share Housing Center;
- SHG/Russo Development;
- Over the Hill Holdings;
- Avalon Bay; and

WHEREAS, those negotiations resulted in settlement agreement with SHG/Russo and Over the Hill Holdings, demonstrating the Borough's willingness to revise and refine zoning mechanisms and development opportunities where appropriate in order to facilitate realistic affordable housing opportunities; and

WHEREAS, the Borough remains fully committed to continuing its long tradition of voluntary compliance with the Mount Laurel doctrine and the Fair Housing Act.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Montvale, County of Bergen, State of New Jersey, as follows:

1. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b), the Borough hereby makes a binding commitment to continue implementing, refining, and, where necessary, amending its Housing Element and Fair Share Plan in order to achieve compliance with the Fair Housing Act and the Mount Laurel doctrine, and timely adopting the requisite documents upon the conclusion of the outstanding challenges.
2. The Borough shall continue to participate in the compliance proceedings before the Superior Court and/or the Affordable Housing Dispute Resolution Program, including any evidentiary hearings or mediation necessary to resolve outstanding issues concerning the Borough's plan.
3. The Borough shall continue to act in good faith to implement the compliance mechanisms contained within its Housing Element and Fair Share Plan and to pursue realistic affordable housing opportunities consistent with sound land-use planning principles.
4. The Borough shall continue to engage in negotiations and discussions with property owners and developers in order to explore reasonable compliance opportunities consistent with the Borough's planning framework and infrastructure limitations.
5. Nothing in this Resolution shall be construed as conceding the suitability of any particular site for inclusion in the Borough's Housing Element and Fair Share Plan, and the Borough

expressly reserves its planning discretion to determine which sites are appropriate for inclusion consistent with sound land-use principles.

6. This Resolution is adopted in order to satisfy the statutory mechanism contemplated by N.J.S.A. 52:27D-304.1(f)(2)(b) and to confirm the Borough's continued determination to voluntarily comply with its affordable housing obligations.
7. The Borough Attorney, Planner, and other municipal professionals are hereby authorized to take all actions necessary to implement the intent of this Resolution and to continue advancing the Borough's compliance efforts.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be transmitted to the Superior Court of New Jersey, the Affordable Housing Dispute Resolution Program, and all interested parties as appropriate.

Introduced by: Councilmember Lane; seconded by Councilmember Roche - a roll call was taken – all ayes – The BA explained that under the new Fair Share Housing Act there was a deadline to adopt all of the implementing ordinances by March 15 of this year. That deadline was extended by the court as well. One of the alternatives is to adopt a binding resolution committing to adopting all of the various ordinances that will need to be done at a later date.

BILLS: Administrator read the Bill Report

Motion to pay bills by Councilmember Lane; seconded by Councilmember Roche - all ayes

REPORT OF REVENUE: Administrator read the Report of Revenue – May

COMMITTEE REPORTS:

COUNCIL PRESIDENT CUDEQUEST:

Board of Health

They had their first reading of a new ordinance #2026-01 pertaining to fees for reinspection of food establishments. This was at the recommendation of Northwest Bergen Regional Health Commission. There was 1 foodborne illness reported. The pools at LifeTime, North Market and Four Seasons were all inspected and found satisfactory. Inspectors are aware of the upcoming Street Fair and will be available to inspect all food vendors.

Library

Looking into proposals to update their website; Gave out first Library Scholarship; DPW has been busy cleaning up the reading garden; registration for Reading Palooza 2026 opens June 23rd; first concert of the season was held this evening with the band Forever Young;

Seniors

Year-end luncheon will be held at Seasons on June 18

COUNCILMEMBER ROCHE:

Chamber of Commerce

Looking forward to the Street Fair scheduled on Paragon Drive on June 14th

Recreation

Fishing with First Responder was held on May 30; REMINDER: from June 29 to July 24 summer camp will be in session and the facilities and courts on Memorial Drive will be closed from 7am-3pm

Environmental Commission

Community garden was opened on May 31st

COUNCILMEMBER LANE:

Fire Dept

28 fires; 2 drills; 10 work details and extra credit and 1 meeting; Total 1382 – man hours year to date

COUNCILMEMBER ARENDACS:

Engineering

Monthly report included in original minutes;

DPW

Ongoing regular ground maintenance operations, including upkeep of municipal properties; crews are currently adding in green soil on the playing fields at Memorial to improve field conditions; filling potholes; trash pickup is now being picked up twice a week to the end of the summer season

COUNCILMEMBER KOELLING:

Police

Monthly report included in original minutes;

Thank you to all that attended the Memorial Day Parade. Thank you to Bob Widmer who took over the mic and did his master of ceremonies;

COUNCILMEMBER RUSSO-VOGELSANG:

Local School

8th graders went to Washington, DC; a huge thank you to Miss Carsich, the 8th grade social studies teacher for all her work and putting together an amazing DC experience for our 8th graders. Memorial School held their field day; Fieldstone Middle School had a wonderful visit this week from the Make Our School Safe (MOSS) students from Pascack Hills High School. It was a great opportunity for our students to connect their older peers and learn more about the important work that MOSS does in promoting school safety and positive culture; held DARE graduation, thank you Police Officer Delauri for running the program with Mr. Riser from Fieldstone Middle School; after the DARE graduation students had a great time at the Boulder baseball game. The important dates for the rest of the month are June 12th, i s Field Day at Fieldstone Middle School, June 19th is the 4th grade picnic and June 22nd is 8th grade graduation. It is also the same day as 4th grade move up day, which is a very big deal for the 4th graders and it's a single session day. June 23rd is the last day of school for both schools and the 4th grade clap out. It's also a single session day.

MAYOR'S REPORT:

Attended several events, DARE graduation, opening of the Fair Share Farming Center, Fishing with a First Responder and Memorial School International Day, they had 37 countries represented with food, drinks and clothing. There's a bill that's moving through the process right now in Trenton and I want to bring this to your attention. I'll be sending out some information on it and I'm going to be very vocal on this one too. It's a bill number 1836. This bill allows developers to build on religious properties and nonprofit buildings.

ENGINEER'S REPORT: Nick Chelius

No Report

ATTORNEY'S REPORT: Dave Lafferty

The court has scheduled a hearing for August 26th to determine whether our plan is compliant or not. The exact scope of the hearing is being worked out by our Special counsel, whether it's going to be limited to what was presented to the program court or whether there's going to be additional evidence permitted. The judge has yet to make that determination, but the hearing is scheduled for August 26th at 9:00 AM at the Bergen County Courthouse.

ADMINISTRATOR'S REPORT: Joe Voytus

The auditors were in the last two weeks doing their annual work; we've been working to get them their documents and hopefully show them that we're doing everything correctly; the resolutions we adopted today were implementing the capital budget, supporting the Police, DPW and Fire to keep them well equipped to continue serving the community. Hometown Heros are complete for 2026, the map will be updated on the website with all the numbers of the polls that the banners are on. You can still submit your applications for 2027. Had a meeting with NJ Transit, they have some electrical work to do on Wortendyke also mentioned about repairs to the lot. Received some complaints about trees that either have fallen or appeared to be about to fall in the brook. The brook is not our brook. It is largely the responsibility of the property owner; we do encourage people that see trees that have fallen into the brook to let us know and we can help coordinate some of the work out there so we don't have flooding as a result of that. Held our quarterly safety meeting with our risk manager to go over items and make sure we continue to have platinum status. DPW will be working on the beautification of the Paragon and Summit Ave. intersection with new plantings and mulch. Received an email from a business owner to our Planning Board Secretary, Jeanne Fondacaro, stating "You were my most positive experience with any employee of any municipality in my life. Thank you for giving me hope."

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

COMMUNICATION CORRESPONDENCE:

None

MEETING OPEN TO THE PUBLIC:

HEARING OF CITIZENS WHO WISH TO ADDRESS THE MAYOR AND COUNCIL:

Upon recognition by the Mayor, the person shall proceed to the floor and give his/her name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he/she shall limit his/her statement to five (5) minutes. Statements shall be addressed to the Council as a body and not to any member thereof. No person, other than the person having the floor, shall be permitted to enter into any discussion, without recognition by the Mayor.

Motion to open meeting to the public by Councilmember Lane; seconded by Councilmember Russo-Vogelsang - all ayes

Hanna Carey, Westwood

An engineering student at Bergen County Academy; she is speaking in opposition of data centers; Concerning noise levels, water supply and use of electricity; she urges council to reconsider putting a data center in Montvale

Motion to close meeting to the public by Councilmember Lane; seconded by Councilmember Roche - all ayes

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Motion to adjourn Public Meeting by Councilmember Lane; seconded by Councilmember Roche - all ayes

Meeting was adjourned at 8:20pm

Regular Workshop Meeting of the Mayor & Council to be held at 7:30pm on June 30, 2026

Respectfully submitted, Frances Scordo, Municipal Clerk